

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SINCLAIR WYOMING
REFINING COMPANY LLC,
et al.,

Petitioners,

v.

UNITED STATES ENVIRON-
MENTAL PROTECTION
AGENCY,

Respondent.

No. 22-1074 (and consolidated
cases)

**JOINT RESPONSE
TO COURT ORDER OF JULY 26, 2024**

Pursuant to this Court’s Order of July 26, 2024 (Doc. No. 2066670), Petitioners, Respondent, and Intervenors jointly submit the following response to the Court’s request that the Parties show cause “why the opinion in these cases, issued under seal on July 26, 2024, should not be

unsealed." Court Order at 1. The parties to Case No. 22-1074 respond as follows:

The parties to Case No. 22-1074 believe that there are no portions of the Opinion pertaining to Case No. 22-1074 that warrant sealing under the terms of the protective order entered in this case.*

* Case Nos. 22-1073 and 22-1074 involve different parties and are governed by different protective orders. The parties in No. 22-1074 acknowledge there may be portions of the Opinion pertaining to No. 22-1073 that warrant sealing under the terms of the No. 22-1073 protective order.

Dated: August 5, 2024

TODD KIM
Assistant Attorney General

s/ Benjamin Grillot
Benjamin Grillot
U.S. Department of Justice
Environment & Natural
Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0303
benjamin.grillot@usdoj.gov

Of counsel

/s/ Meredith G. Miller
Meredith G. Miller
U.S. Environmental Protection
Agency
Office of General Counsel
Washington, D.C.

*Attorneys for Respondent U.S.
Environmental Protection Agency*

/s/ Ian S. Shelton

Ian S. Shelton
EVERSHEDS SUTHERLAND (US) LLP
500 Capitol Mall, Suite 1750
Sacramento, California 95814
(916) 245-7427
ianshelton@eversheds-sutherland.com

*Attorney for Kern Oil & Refining
Co.*

Respectfully submitted,

/s/ Jeffrey R. Holmstead
Jeffrey R. Holmstead
Brittany M. Pemberton
BRACEWELL LLP
2001 M Street N.W.
Suite 900
Washington, D.C. 20036
(202) 828-5800 (telephone)
(202) 857-4812 (facsimile)
Jeff.Holmstead@bracewell.com
Brittany.Pemberton@bracewell.com

*Counsel for Sinclair Wyoming
Refining Company LLC*

/s/ David. M. Lehn
David. M. Lehn
BOIES SCHILLER FLEXNER LLP
1401 NEW YORK Avenue NW
Washington, DC 20035
(202) 237-2727
dlehn@bsflp.com

Counsel for Growth Energy

/s/ Jonathan G. Hardin
Jonathan G. Hardin
Michael R. Huston
LeAnn Johnson Koch
Alexandra Magill Bromer
Karl J. Worsham
PERKINS COIE LLP
700 13th Street, N.W., Suite 800
Washington, D.C. 20005
(202) 654-6200
JHardin@perkinscoie.com

/s/ Eric D. McArthur

Eric D. McArthur
Peter C. Whitfield
Daniel J. Feith
Christopher S. Ross
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
emcarthur@sidley.com

Attorneys for HF Sinclair Refining & Marketing LLC, HF Sinclair Cheyenne Refining LLC, HF Sinclair Woods Cross Refining LLC, Island Energy Services, LLC, Cenovus Energy Inc., and Delek US Holdings, Inc.

/s/ Robert J. Meyers

Robert J. Meyers
Elizabeth B. Dawson
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2595
(202) 624-2967
rmeyers@crowell.com

Richard S. Moskowitz
Tyler Kubik
AMERICAN FUEL &
PETROCHEMICAL
MANUFACTURERS
1800 M Street, NW
Suite 900 North
Washington, DC 20036
(202) 844-5474
rmoskowitz@afpm.org

Attorneys for American Fuel & Petrochemical Manufacturers

Attorneys for American Refining Group, Inc., Calumet Montana Refining, LLC, Calumet Shreveport Refining, LLC, Ergon Refining, Inc., Countrymark Refining and Logistics, LLC, Hunt Refining Company, Par Hawaii Refining, LLC, U.S. Oil & Refining Company, Placid Refining Company LLC, San Joaquin Refining Co., Inc., The San Antonio Refinery LLC, and Wynnewood Refining Company, LLC

/s/ Kevin King

Kevin King
Robert A. Long, Jr.
Thomas Brugato
Daniel G. Randolph
COVINGTON & BURLING LLP
850 Tenth Street NW
Washington, DC 20001
(202) 662-6000
rlong@cov.com

Attorneys for American Petroleum Institute

CERTIFICATE OF COMPLIANCE

This document complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 138 words, excluding the parts exempted by Rule 27(a)(2)(B); and (2) the type-face and type style requirements of Rule 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface (14-point Century Schoolbook) using Microsoft Word (the same program used for the word count).

Dated: August 5, 2024

s/ Jonathan G. Hardin
Jonathan G. Hardin
PERKINS COIE LLP

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals by using the CM/ECF system. I certify that all participants in the consolidated case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

Dated: August 5, 2024

s/ Jonathan G. Hardin

Jonathan G. Hardin
PERKINS COIE LLP